

Appl. No. 10/597,514
Amdt. Dated October 23, 2009
Reply to Office Action of July 23, 2009

Attorney Docket No. 81872.0124
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 18, 20, 21, 23-34, and 36-38 are pending in the application. Claims 18, 20, 21, 23-25, 27-34, and 36 are amended. New claims 37 and 38 are added. Claims 1-17, 19, 22, and 35 are canceled without prejudice.

Claim 18 is the independent claims. Reexamination and reconsideration of the application are respectfully requested.

Claim Objections

Claim 31 stands objected to for reciting “thereagainst.” Claim 31 is amended, and the phrase “thereagainst” does not appear in the amended claim. Withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 18-34 and 36 stand rejected under 35 U.S.C. §112, second paragraph because the office contends the claims are indefinite for failing to point out and distinctly claim what the applicant regards as his invention. Claims 18, 20, 21, 23-25, 27-34, and 36 are amended. Applicant respectfully submits that the amended claims fully comply with the requirements of 35 U.S.C. §112, second paragraph.

Claim 18 stands rejected because the Office contends that the phrase “adjacent lateral surface members” lacks sufficient antecedent basis because there is no reference to adjacent members prior to the limitation. In response, claim 18 is amended, and the presently amended claim 18 does not recite “adjacent lateral surface members.” Withdrawal of the rejection is respectfully requested.

Claims 19 is canceled without prejudice, and therefore, the §112 rejections to those claims are moot. The remaining claims are discussed herein.

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No specific basis for the rejection is provided for claims 20 and 21. Applicant assumes it is based on the fact that these claims depend from claim 18. Since amended claim 18 fully complies with section 112, the rejections of claims 20 and 21 should also be withdrawn.

Claim 23 stands rejected because the office contends the phrase "the sides on both sides of the lateral surface" lacks sufficient antecedent basis. In response, claim 23 is amended, and the presently amended claim 23 does not recite "the sides on both sides of the lateral surface." Withdrawal of the rejection is respectfully requested.

Claim 24 stands rejected because the office contends the phrase "its upper surface" lacks sufficient antecedent basis because the word "its" is undefined. In response, claim 24 is amended, and the presently amended claim 24 does not recite "its." Claim 24 presently recites "an upper surface" and "the upper surface." Withdrawal of the rejection is respectfully requested.

No specific basis for the rejection is provided for claims 25-31. Applicant assumes it is based on the dependencies of these claims. Since the amended base claims and any intervening claims fully comply with section 112, the rejections of claims 25-32 should also be withdrawn.

Claim 32 stands rejected because the office contends the phrase "its inner periphery" lacks sufficient antecedent basis because the word "its" is undefined. In response claim 32 is amended, and the presently amended claim 32 does not recite "its inner periphery." Withdrawal of the rejection is requested.

No specific basis for the rejection is provided for claims 34 and 36. Applicant assumes it is based on the dependencies of these claims. Since the amended base claims and any intervening claims fully comply with section 112, the rejections of claims 34 and 36. should also be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 18-23, 28-34, and 35 stand rejected under 35 U.S.C 102(b) as anticipated by Sakaguchi (JP 10-182285). In response, claims are amended. Applicant respectfully submits that the claims as amended patently distinguishes over the cited art. Amended claim 18, for example, is as follows:

A mold, comprising:
a bottom surface member; and
a plurality of lateral surface members combining with the bottom surface member,
and each lateral surface member comprising a first engaging structure on a first lateral end thereof and a second engaging structure on a second lateral end thereof, one of the first and second engaging structures of one of the plurality of lateral surface members engages with one of the first and second engaging structures of another one of the plurality of lateral surface members,

wherein the first and second engaging structures each comprises a projection and a recess, and a shape of the first engaging structure and a shape of the second engaging structure are in an asymmetrical relationship with reference to a center line of the lateral surface member.

Amended claim 18 distinguishes over Sakaguchi because Sakaguchi does not teach or suggest, at least, the limitations of claim 18 requiring "...each lateral surface member comprising a first engaging structure on a first lateral end thereof and a second engaging structure on a second lateral end thereof,... wherein the first and second engaging structures each comprises a projection and a recess" and "a shape of the first engaging structure and a shape of the second engaging structure are in an asymmetrical relationship with reference to a center line of the lateral surface member."

FIGS. 3(a) and 3(b) of applicant's specification illustrates an exemplary embodiment of the presently claimed invention. FIG. 3(b) illustrates four lateral

surface members 3c combined with a bottom surface member 2 to form a mold. Each of the lateral surface members 3c includes an engaging section 4 on each lateral side thereof. The engaging section 4 includes a projection 5 and a recess 6. The shapes of the engaging members 4 on a lateral surface member 3c is asymmetrical with respect to a center line F. The cited art does not teach or suggest those features.

Sakaguchi does not teach or suggest that each of the lateral surface members includes the required engaging structures having a projection and a recess. Sakaguchi teaches that the lateral surface members 3 having L-shaped notches engaging with the surface members 2 (Abstract; FIG. 1). The Office Action contends that the L-shaped notch corresponds to the projection and recess of claim 18. However, the L-shaped notch of the one lateral surface of Sakaguchi doesn't engage with the other lateral surface, but just contacts with the other lateral surface. That is, Sakaguchi needs a bolt 5 to fix the L-shaped notch of the one lateral surface and the other lateral surfaces. Therefore the L-shaped notch of Sakaguchi is different from the engaging structures of the present invention, and cannot teach or suggest each of the lateral surface member includes engaging structures having a projection and a recess.

Furthermore, Sakaguchi does not teach or suggest that the engaging members are asymmetrical with respect to a center line in the lateral surface member 3. The Action argued that FIG. 1 of Sakaguchi teached that the engaging structures are asymmetrical. See the Action at page 6 discussion the rejection of claim 22. It is well established that a drawing cannot be relied upon as evidence of dimensions and measurements. MPEP § 2125 emphasizes that "when the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value." See

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Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956 (Fed. Cir. 2000). The Avia court states, “[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.” See also In re Wright, 569 F.2d 1124 (CCPA 1977). The Wright court states, “We disagree with the Solicitor's conclusion, reached by a comparison of the relative dimensions of appellant's and *Bauer's* drawing figures, that *Bauer* 'clearly points to the use of a chime length of roughly 1/2 to 1 inch for a whiskey barrel.' This ignores the fact that *Bauer* does not disclose that his drawings are to scale.” (Wright at 1127): Here, as in Avia, the Action's position relies solely on a visual examination of the dimensions of the engaging structures in Sakaguchi's FIG. 1, which does not appear to be proper.

For the above reasons, the 102(b) rejections of claim 18 and claims 19-23, 28-34, and 35, which depend from claim 18, should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 24-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakaguchi in view of Lovejoy (U.S. Patent 3,905,740). Claims 24-27 depend from claim 18. As discussed with the 102(b) rejections, those claims patently distinguishes over Sakaguchi.

Lovejoy does not cure the deficiencies of Sakaguchi. And therefore, the cited art cannot obviate claims 24-27.

Lovejoy is generally directed at an injection mold for making a polygonal plastic article, and the mold includes having a closed bottom and an open top. A first mold section corresponds to the exterior dimensions of the bottom wall and a portion of the contiguous side walls of the article. A second mold section makes up

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elements that defines the interior surface of the article. Side wall elements are movable relative to both of the mold sections from an open position spaced from both sections to a closed position. The side wall members interlock with both mold sections to form the mold enclosure. Linkage elements interconnect the mold elements to provide a coordinated movement. (Lovejoy Abstract). Lovejoy, however, is silent on the features that each lateral surface members having engaging structures, which includes a projection and a recess. Lovejoy is also silent on the features that the engaging structures are asymmetrical with respect to a center line of the lateral surface member.

For the above reasons, the 103(a) rejections of claims 24-27 should be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310)785-4600 to discuss the steps necessary for placing the application in condition for allowance.

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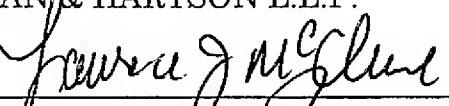
Attorney Docket No. 81872.0124
Customer No.: 26021

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

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